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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,694	09/29/2000	Manav Mishra	42390P9326	1491

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/675,694

Applicant(s)

MISHRA ET AL.

Examiner

David Lazaro

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 30-52 and 54-73.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

**SALEEM NAJAB
PRIMARY EXAMINER**

David Lazaro
July 11, 2005

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants argue - "The Examiner would seem to be objecting to the claims first because "there is no associated entity that performs any of the assigning function"."

Examiner's response - The Examiner was not objecting to the claims. The examiner was merely pointing out that the arguments made by the applicants were contrary to the actual claim language.

Applicants argue - "The association at the load balancer is merely in a lookup table. see Column 10, line 8-11... Claim 39, by contrast recites, "assigning a secure tunnel to the assigned server at the dispatcher"."

Examiner's response - The Examiner stated in the final rejection that the association at the load balancer (the dispatcher) is considered to be within the scope of "assigning a secure tunnel to the assigned server" (See Page 13, paragraph b.). Applicants seem to be arguing issues concerned with the actual generation of the session ID. The claim language does not state any limitations in regards to how and where the session ID is generated, nor any relationship between the generation of the session ID and assignment of a secure tunnel. Furthermore, claim 39 includes subject matter related to a "mapping table". Page 7 of Applicants' specification describes the use of a "mapping table" 204 in the assignment of a secure tunnel to a session ID. The examiner does not see how the "lookup table" of Brendel is any different from the mapping table of applicants' invention in view of the claimed subject matter of Claim 39 (as well as the remaining independent claims). For these reasons, applicants' arguments are not persuasive.

Applicants argue - "This does not mean, however, that any designated channel of communication is an SSL tunnel or that any designated channel of communication is necessarily a secure tunnel..."

Examiner's response - The examiner was not suggesting such. The examiner was only suggesting that a tunnel, in terms of the scope of the claim language, can be a designated channel of communication. Based on this, Brendel teaches such a limitation based on the connection to the assigned server which forms a designated channel of communication.

Applicants argue - "The Examiner in the Response to Arguments, further suggests that "The connection to the assigned server is a designated channel of communication and communications are encrypted when the transaction is secure, hence a secure tunnel." The examiner would seem to be suggesting that "assigning a secure tunnel to the assigned server at the dispatcher" as recited in Claim 39 may read onto the "server generated SSL session ID" of Brendel Col. 10 line 9."

Examiner's response - The examiner was primarily suggesting that the "secure" part of the "secure tunnel" limitation is taught by Brendel since communications are encrypted on the designated channel of communication between the dispatcher and the assigned server. As for the "server generated SSL session ID" of Brendel, as noted above, the examiner clearly stated in the Final Rejection that the association of session ID to the assigned server is considered to be within the scope of "assigning a secure tunnel to the assigned server at the dispatcher" (See Page 13, paragraph b). Again, as noted above, the claim language does not state any limitations in regards to how and where the session ID is generated, nor any relationship between the generation of the session ID and assignment of a secure tunnel. Furthermore, claim 39 includes subject matter related to a "mapping table". Page 7 of Applicants' specification describes the use of a "mapping table" 204 in the assignment of a secure tunnel to a session ID. The examiner does not see how the "lookup table" of Brendel is any different from the mapping table of applicants' invention in view of the claimed subject matter of Claim 39 (as well as the remaining independent claims).

Continuation of 13. Other: The claims are still rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,772,333 by Brendel, as presented in the final rejection mailed 05/03/05. The final rejection includes cited portions of Brendel that describe a load-balancer which the examiner considers to be a "dispatcher".